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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,419	01/10/2002	Scott D. Lincke	25216-0883	1928
29989	7590	03/25/2005	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			JEAN, FRANTZ B	
2055 GATEWAY PLACE			ART UNIT	
SUITE 550			PAPER NUMBER	
SAN JOSE, CA 95110			2151	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,419

Applicant(s)

LINCKE ET AL.

Examiner

Frantz B. Jean

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 19-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 19-28 is/are allowed.
- 6) ☒ Claim(s) 29-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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This office action is in response to the amendment filed 11/22/04. Claims 1-10 and 19-44 are presented for examination.

Claims 1-10 and 19-28 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29-44 are rejected under 35 U.S.C. 102(e) as being anticipated by

Schmidt, Jr. et al. US patent Number 6,778,642 B1 (hereinafter Schmidt).

As per claim 29, Schmidt teaches a method of presenting a unified view of messages in a first mailbox and a second mailbox, wherein the first mailbox is hosted by a first host and the second mailbox is hosted by a second host (see abstract; col. 2 lines 30 et seq), comprising: a first client (col. 4 lines 18-26) of the first mailbox receiving a first message addressed to the first mailbox; determining whether the first message has been assigned an identifier (col. 5 lines 44 et seq); if the first message has not been assigned an identifier, then: generating a first identifier that is unique relative to other identifiers assigned to the messages by the first client and a second client of the second mailbox, and sending at least a portion of the first message to the second mailbox (col. 5 lines 44 to col. 7 line 28; see abstract); detecting an action taken on the first message by the first client (col. 5 lines 25 et seq); and in response to detecting the action, transmitting a second message to the second client that includes the first identifier and a description of the action (col. 5 line 25 to col. 6 line 25).

As per claim 30, Schmidt teaches a set of channel communications between the first client and the second client includes a first channel (fiber optic cable) of communication and a second channel (wireless link) of communication (see col. 4, lines 25-26); the steps further includes selecting the first channel of communication; and wherein the step of sending the first message includes sending the first message via the first channel (see col. 4 lines 14 et seq; see fig 3 element 360).

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As per claim 31, Schmidt teaches the first channel does not require participation of the second host to transmit the first message (see fig 3).

As per claim 32, Schmidt teaches the second channel includes a wireless channel of communication (see fig 3).

As per claim 33, Schmidt teaches selecting the first channel is based on relative cost between the first channel and the second channel (see fig 3, the wireless link is more expensive).

As per claim 34, Schmidt teaches sending the first message is deferred until a connection is established over the first channel (see fig 3; col. 5 lines 5 et seq).

As per claim 35, Schmidt teaches if the first message has been assigned an identifier, foregoing sending at least a portion of the first message to the second mailbox (see fig 3 lines 5 et seq).

As per claim 36, Schmidt teaches sending the second message causes the action to be repeated on the second client (see fig 3; col. 5 lines 5 et seq).

Claims 37 to 44 recite computer-readable medium that contain the same limitations as either claims 29-36. Therefore, they are rejected under the same rationale.

Response to Arguments

Applicant's arguments filed 11/22/04 have been fully considered but they are not persuasive.

Applicant argued that Schmidt does not teach generating a first identifier that is unique relative to other identifiers assigned to the message by the first client and a second client of the second mailbox.

Examiner respectfully submits that Schmidt teaches the above limitation by providing unique identifiers to messages of first or/and second client of any mailbox (see col. 5 line 37 to col. 7 line 27; see abstract).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean



FRANTZ B. JEAN
PRIMARY EXAMINER